

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ABIGALE PFINGSTEN, Individually and on )  
 behalf of all others similarly situated, and ) No.: 2:20-cv-00716-RJC  
 ANOKHY DESAI, Individually and on behalf )  
 of all others similarly situated, )  
 )  
 ) Judge Robert J. Colville  
 Plaintiffs, )  
 )  
 )  
 v. )  
 )  
 )  
 CARNEGIE MELLON UNIVERSITY, )  
 )  
 Defendant.

## ORDER OF COURT

AND NOW, this 17th day of June, 2024, upon consideration of Defendant's request that the Court order Plaintiff to file a reply to the "new matter" asserted in its Answer, it is hereby ORDERED that said request is DENIED. Defendant has not pointed the Court to any authority that supports the filing of a "new matter" in an answer or the Court ordering a reply to a "new matter." Additionally, as argued by Plaintiff, courts in the Third Circuit have routinely held that a "new matter" is not a proper pleading under the Federal Rules of Civil Procedure and have declined to order a plaintiff to respond to such "new matters." *See Colman v. Pitzer*, 160 F. Supp. 862, 863-64 (W.D. Pa. 1958) (finding that plaintiff was not in default for failing to file a reply to the "new matter" because such pleading is not permitted under the Federal Rules); *Soler v. Fernandez*, Civil Action No. 3:11-1232, 2015 WL 5771929, at \*3 (M.D. Pa. Sept. 29, 2015) (holding that a "new matter" is not a proper pleading and that plaintiff was not required to file a response); *Secureinfo Corp. v. Bukstel*, No. Civ. A. 03-679, 2003 WL 21961381, at \*4 (E.D. Pa. July 10, 2003) (finding that a "new matter" is not recognized under the Federal Rules); *Yellow Book Sales and Distribution*

*Co., Inc. v. White*, 2011 WL 830526, at \*1 (E.D. Pa. March 10, 2011) (granting plaintiff's request to strike defendant's "new matter").

BY THE COURT:

/s/Robert J. Colville  
Robert J. Colville  
United States District Judge

cc: All counsel of record